

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-1023

December 28, 2000

CENTRAL MAINE POWER COMPANY
Request For Waiver Of Prior Approval Of
An Affiliated Transaction To Assist In
Emergency Storm Repair

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

We grant Central Maine Power Company's request for an exemption from the requirement that it seek Commission approval prior to entering into an arrangement for storm restoration services with its affiliate Union Water-Power Company (Union Water), as permitted by 35-A M.R.S.A. § 707(4).

II. BACKGROUND AND DECISION

On December 19, 2000, Central Maine Power Company (CMP) requested that the Commission allow its arrangement with its affiliate Union Water for emergency storm restoration assistance, without prior Commission approval required by 35-A M.R.S.A. § 707(2). Under Section 707(2), no public utility may make an arrangement or contract with an affiliate until the Commission finds that the contract or arrangement is in the public interest. Section 707(4)(F) allows the Commission, by order, to exempt a utility from obtaining Commission approval prior to entering the arrangement, provided that the exemption does not exceed 60 days and that the Commission thereafter approves or disapproves the contract. Good cause must exist to grant the exemption.

In this instance, CMP represents that two recent storms have resulted in widespread power outages and available assistance from neighboring utilities has proved insufficient. Union Water has crews and trucks available at rates comparable to the rates CMP pays other companies assisting with the restoration. CMP wishes to proceed with the arrangement prior to filing for Commission approval.

Given the emergency nature of this request and CMP's representation that Union will be paid market rates for such services, we will waive the prior approval requirements for the arrangement. CMP should submit the arrangement for our approval as soon as possible to allow the Commission to approve or disapprove it within 60 days from December 18, 2000, the date on which the arrangement began.

Accordingly, we

O R D E R

That CMP's arrangement with its affiliate Union Water for emergency storm restoration service is exempt from Commission approval required by 35-A M.R.S.A. § 707(2), for 60 days from December 18, 2000.

Dated at Augusta, Maine, this 28th day of December, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.